

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF LABOR AND INDUSTRY

In the Matter of the Proposed Amendments
to Rules Governing Workers'
Compensation Rules of Practice and
Penalties Related to Electronic Filing of
First Reports of Injury; *Minnesota Rules*,
parts 5220.2530; 5220.2820; and
5220.2830

**ORDER ON REVIEW OF
RULES UNDER
MINN. STAT. § 14.26**

The Department of Labor and Industry (Department) is seeking review and approval of the above-entitled rules, which were adopted by the agency pursuant to Minn. Stat. § 14.26. On October 4, 2013, the Office of Administrative Hearings (OAH) received the documents that must be filed by the Department under Minn. Stat. § 14.26 and Minn. R. 1400.2310. Based upon a review of the written submissions and filings, Minnesota Statutes, Minnesota Rules, and for the reasons in the Memorandum that follows,

IT IS HEREBY ORDERED:

1. The Department has the statutory authority to adopt the rules.
2. The rules were adopted in compliance with the procedural requirements of Minnesota Statutes, Chapter 14, and Minnesota Rules, Chapter 1400.
3. The record demonstrates the rules are needed and reasonable.
4. The rules are **APPROVED**.

Dated: October 16, 2013

s/Jeanne M. Cochran

JEANNE M. COCHRAN
Administrative Law Judge

MEMORANDUM

An agency may modify a proposed rule as long as the modified rule is not substantially different from the rule proposed in the Notice of Intent to adopt rules.¹ Here, the Department made one modification to the rules as originally proposed. The Department added a January 1, 2014 effective date.

The addition of the effective date is not a substantial modification of the proposed rules for a number of reasons. First, the January 1, 2014 effective date was referenced in the Statement of Need and Reasonableness.² Second, prior to publication of the Statement of Need and Reasonableness, the Department provided extensive notice of the proposed January 1, 2014 effective date to affected entities. Finally, if the Department had not included the January 1, 2014 effective date in the rules, the rules would have automatically become effective five working days after the notice of the adoption of the rules was published in the State Register.³ That date would almost certainly have been earlier than the January 1, 2014 effective date included in the rules.

Accordingly, the Administrative Law Judge concludes that the inclusion of a January 1, 2014 effective date in the rules, as approved by the Revisor, does not make the rules substantially different than the proposed rules. Rather, the effective date is a logical outgrowth of the proposed rules.

J. M. C.

¹ Minn. Stat. § 14.05, subd. 2 (2012).

² Statement of Need and Reasonableness at 5.

³ See Minn. Stat. § 14.81, subd. 1 (2012).